

REMARKS

1. Response to Arguments – Prohibition against Piecemeal Examination

The May 19, 2005 Office action rejected each of independent Claims 1, 19 and 41 under 35 U.S.C. 103(a) as being unpatentable over Landry (United States Patent No. 5,956,700), in view of Spencer (United States Patent No. 5,197,002) and further in view of Owens (United States Patent No. 6,092,055). However, the May 19, 2005 Office action asserted that Claim 58 would be allowable if re-written in independent form including all of the limitations of the base claim and any intervening claims, and provided a statement of the reasons for allowance. Page 14 of the May 19, 2005 Office action explicitly stated:

[t]he following is a statement of reasons for the indication of allowable subject matter: a method for processing account information contained in batch process files in an on-line manner, said method comprising the steps of [...] **wherein the step of selecting one of said accounts in accordance with a control cycle and restricting access to said selected account includes dequeuing the account to be processed. (emphasis in original)**

As Claim 58 depended directly from Claim 1, Applicant amended Claim 1 to incorporate the allowable subject matter of Claim 58. More particularly, Claim 1 was amended, without prejudice, so as to recite:

A method for processing account information contained in batch process files in an on-line like manner, ...
wherein, the step of selecting one of said accounts in accordance with a control cycle and restricting access to said selected account includes de-queuing the account to be processed.

Consistent with Examiner's reasons for allowable subject matter in the May 19, 2005 Office action, Applicant submitted in its previous response that: (1) amended Claim 1 was

thus in condition for allowance; and, (2) Claims 2-5 and 7-18, which each ultimately depend from Claim 1, were also in condition for allowance.

Applicant also amended independent Claim 19 in a similar manner to recite:

A system for processing account information
contained in batch process files in an on-line like manner,
...

wherein, the step of selecting one of said accounts
in accordance with a control cycle and restricting access to
said selected account includes de-queuing the account to be
processed.

Consistent with Examiner's reasons for allowable subject matter in the May 19, 2005 Office action, Applicant also submitted in its previous response that: (1) Claim 19 was thus in condition for allowance; and, (2) Claims 20-23 and 25-40, which each ultimately depend from Claim 19, were also in condition for allowance.

Independent Claim 41 was also amended in a similar fashion. More particularly, Claim 41 was amended to recite:

A method for processing account information contained in
batch process files in an on-line like manner, ...

wherein, said selecting one of said accounts in accordance
with a control cycle and restricting access to said selected account
includes de-queuing the account to be processed.

Consistent with Examiner's reasons for allowable subject matter in the May 19, 2005 Office action, Applicant also submitted in its previous response that: (1) Claim 41 was thus in condition for allowance; and, (2) Claims 42-57, which each ultimately depend from Claim 41 were also in condition for allowance.

Thus, each of the pending independent claims were amended, in light of the PTO's May 19, 2005 assertion that the art of record failed to teach, or suggest, the limitation(s) of Claim

58, to reflect the subject matter that was clearly indicated to be allowable over the cited art. However, the November 16, 2005 Office action rejects these amended Claims 1, 19 and 41 under 35 U.S.C. 103(a) as being unpatentable over the exact same art combination the May 19, 2005 Office action admitted such a claim was allowable over. Applicant traverses these rejections for at least the reasons for allowance in the May 19, 2005 Office action – namely, that the cited art fails to teach, or suggest, a method for processing account information contained in batch process files in an on-line like manner, said method comprising the step of selecting one of said accounts in accordance with a control cycle and restricting access to said selected account, wherein such a step includes dequeuing the account to be processed.

Further, Applicant submits the PTO has engaged in impermissible piecemeal examination. While the November 16, 2005 Office action indicates a new search was conducted, and the allowed subject matter was withdrawn, no new art was actually relied upon. Rather, the claims stand rejected over the exact art combination they were previously indicated to be allowable over. It is clear PTO practice that piecemeal examination should be avoided. *See, MPEP 707.07(g).* Consistent with PTO practice, the May 19, 2005 Office action indicated that the examiner was satisfied that the prior art was fully developed and Claim 58 was clearly allowable there-over. In reliance upon this indication, Applicant amended Claims 1, 19 and 41 to incorporate the subject matter of Claim 58. In a reversal, the November 16, 2005 Office action now indicates the previously developed art renders the previously allowable subject matter unpatentably obvious.

Applicant submits such a piecemeal examination has unnecessarily delayed prosecution of the subject application. Accordingly, Applicant requests a telephonic interview with the Examiner and the supervisory Examiner, to discuss the merits of the rejections presented in the

November 16, 2005 Office action, and coordinate the combined efforts of the Examiner and Applicant's counsel to avoid any such unnecessary future delays.¹

Nonetheless, for purposes of completeness, Applicant will address each of the outstanding rejections.

2. Claims 1-5 and 7-18 Are Not Obvious In Light Of The Cited Prior Art

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Landry (United States Patent No. 5,956,700), in view of Spencer (United States Patent No. 5,197,002) and further in view of Owens (United States Patent No. 6,092,055). Each of Claims 2-5 and 7-18 ultimately depends from Claim 1. Applicant traverses the rejections of each of these claims for at least the following reasons.

35 U.S.C. 103(a) sets forth in part:

[a] patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

To establish a prima facie case of obviousness, all of the recited claim limitations must be taught or suggested in the prior art. *See, MPEP 2143.03; see also, In re. Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)*. Applicant submits the cited art fails to teach, or suggest, each of the limitations of Claim 1 for at least the following reasons.

¹ Applicant has attached a form PTOL-413A requesting this interview.

A. The cited art fails to teach the recited identifying step of Claim 1.

Claim 1 recites, in part, “[a] method for processing account information contained in batch process files in an on-line like manner, said method comprising ... identifying which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records.” The November 16, 2005 Office action admits Landry fails to teach, or suggest, such a step, instead relying upon select portions of Spencer to remedy this admitted deficiency of Landry. *See, e.g., November 16, 2005, Office action, page 3, lines 4-6.* More particularly, the November 16, 2005 Office action argues, “Spencer discloses: creating a work queue which includes index-like entries which identify each of the plurality of staged records of plurality of accounts (col. 5, lines 24-39 Spencer).” *November 16, 2005 Office action, page 3, lines 4-6.* Regardless of the veracity of this assertion, Applicant submits it is clear the relied upon portion of Spencer fails to teach, or suggest, “identifying which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records” – as is recited by Claim 1.

Rather, lines 24-39 of col. 5 of Spencer discuss a portion of the billing procedure illustrated in Fig. 4 of Spencer. *See, e.g., col. 4, lines 62-64.* As is discussed in col. 4, line 62 - col. 5, line 39 of Spencer, the process of Fig. 4 of Spencer begins with receiving billing records from a network (box 20). The received records are then queued, so they are processed in the order received (box 21). It is then determined whether a current billing cycle has ended (box 22). If it has not, the next billing record is assessed (box 23) in the order they were received, as was queued (box 21). An address field is searched (box 24), and a decision as to whether or not

a match was found is made (box 25). If no match was found (box 25), an account is created (box 26). If a match was found (box 25), the corresponding account is updated (box 27).

Thus, it is clear the process of Fig. 4 of Spencer does not identify which of a plurality of records relate to same ones of a plurality of accounts at all – no less identify which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records as is recited by Claim 1. Rather, Spencer merely queues records in the order they are received, to ensure they are assessed by searching for a matching address in the same order they were received in. Accordingly, Spencer, as applied in the Office action, fails to remedy at least the admitted deficiency of Landry – namely, that Landry fails to teach, or suggest, “[a] method for processing account information contained in batch process files in an on-line like manner, said method comprising ... identifying which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records”, as is recited by Claim 1.

For purposes of completeness, it should be noted that col. 13, line 60 – col. 14, line 16 of Landry merely discuss an exemplary data record, and do not discuss any identifying process. And, that Owens is not relied upon and hence adds nothing to the deficient teachings of Landry and Spencer in these regards.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 1, as the cited prior art fails to teach, or suggest, each of the limitations of Claim 1. Applicant also requests reconsideration and removal of the rejections of Claims 2-5 and 7-18 as

well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base
Claim 1.²

B. The cited art fails to teach the recited processing step of Claim 1.

Claim 1 also recites, in part, “[a] method for processing account information contained in batch process files in an on-line like manner, said method comprising ... processing each of said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts.” The November 16, 2005 Office action argues Landry teaches this recited step. More particularly, the November 16, 2005 Office action argues, “[Landry discloses:] processing each of said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts (col. 13, lines 35-60 Landry).” *November 11, 2005 Office action, page 4, lines 1-3.* Applicant traverses this assertion.

As discussed above, the November 16, 2005 Office action admits Landry fails to teach, or suggest, identifying which of a plurality of records relate to same ones of a plurality of accounts by creating a work queue. *See, e.g., November 16, 2005, Office action, page 3, lines 4-6.* Instead, and as also discussed above, the November 16, 2005 Office action relies upon the process of Fig. 4 of Spencer to identify records to be processed. However, as also discussed above, the relied upon portion of Spencer fails to queue records based upon account, but instead clearly and unambiguously queues records so they are processed in the order received (box 21). Thus, as Landry fails to teach, or suggest, identifying records that relate to same ones of the

² Applicant has amended Claim 9, without prejudice, herein, to depend from Claim 1, instead of Claim 6, which was previously cancelled.

accounts, and Spencer merely queues records in the order they are received, no combination thereof can possibly process each of the records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts. That is, importing the referenced teachings of Spencer into Landry as argued in the November 16, 2005 Office action would result in a system that processes records in the order they are received and not account by account as is recited by Claim 1 – as the November 16, 2005 Office action admits Landry fails to identify records that relate to a common account (and hence can't process files account by account) and the process of Fig. 4 of Spencer merely queues records for assessment in the order they are received.

For purposes of completeness, it should be noted that lines 35-60 of col. 13 of Landry merely discuss a data structure of the bill record shown in Fig. 2A of Landry, and fail to discuss any record processing order at all, no less a method that includes, “processing each of said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts.” And, that Owens is not relied upon and hence adds nothing to the deficient teachings of Landry and Spencer in these regards.

Accordingly, Applicant again requests reconsideration and removal of the rejection of Claim 1, as the cited prior art fails to teach, or suggest, each of the limitations of Claim 1. Applicant also requests reconsideration and removal of the rejections of Claims 2-5 and 7-18 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1.

C. The cited art fails to teach the recited selecting and removing steps of Claim 1.

Claim 1 also recites, in part,

[a] method for processing account information contained in batch process files in an on-line like manner, said method comprising ...

selecting one of said accounts in accordance with a control cycle and restricting access to said selected account, ...
[and]

removing said restricted access to said selected account after all of said records identified as related to said selected account are processed.

The November 16, 2005 Office actions admits Landry and Spencer don't disclose the recited selecting one of the accounts in accordance with a control cycle and restricting access to the selected account. *See, November 16, 2005 Office action, pg. 4, lines 4-7.* In an effort to overcome this admitted deficiency of Landry and Spencer, the November 16, 2005 Office action relies upon select portions of Owens. *See, November 16, 2005 Office action, pg. 4, lines 8-12.* More particularly, the November 16, 2005 Office action argues:

Owens discloses: selecting one of said accounts in accordance with a control cycle and restricting access [to] said selected account (col. 5, lines 42-52 Owens) and removing said restricted access to said selected account after all of said records identified as relating to said selected account are processed (col. 5, lines 53-58, Owens). *May 19, 2005 Office action, page 4, lines 15-19; November 16, 2005 Office action, page 4, lines 8-12.*

Applicant traverses this assertion. Lines 42-58 of column 5 of Owens discuss Fig. 5 of Owens. *See, Owens, col. 5, lines 40-58.* Fig. 5 of Owens illustrates a process for when a billing event occurs while accounts are being billed in Owens. *See, Owens, col. 5, lines 40-42.* The process of Fig. 5 of Owens begins with the Owens system receiving a transaction or billing event (step 501). The account impacted by the received billing event is then locked (step 503). The next bill time is checked (step 505) to see if it has passed (step 507). If it has passed (507), then close billing is performed (step 509). Next, the balance impact(s) of the single received billing event

are calculated (step 511). The account is then unlocked (step 513). Thus, like Spencer, billing events are processed one by one, as they are received. An account is locked and unlocked by Owens for a single billing event received. Assumedly, if two billing events were received for a single account, they would be separately processed, by locking and unlocking the account twice. This is in contrast to the method of Claim 1, which explicitly recites, in part, “removing said restricted access to said selected account after all of said records identified as related to said selected account are processed.”

Accordingly, Applicant submits the cited art fails to teach, or suggest, each of the limitations of Claim 1, at least by virtue that the asserted combination of Landry, Spencer and Owens also fails to teach, or suggest, at least the Claim 1 recited steps of: (1) selecting one of said accounts in accordance with a control cycle and restricting access to said selected account, ... [and] (2) removing said restricted access to said selected account after all of said records identified as related to said selected account are processed.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 1, as the cited prior art fails to teach, or suggest, each of the limitations of Claim 1. Applicant also requests reconsideration and removal of the rejections of Claims 2-5 and 7-18 as well, at least by virtue of these claims’ ultimate dependency upon a patentably distinct base Claim 1.

3. Claims 19-23 and 24-40 Are Not Obvious In Light Of The Cited Prior Art

The cited art similarly fails to teach, or suggest, each of the limitations of Claim 19 for at least the following reasons. Claim 19 analogously recites: a processor in communication with said memory, operable to: (A) identify which of said plurality of records relate to same ones of said plurality of accounts; (C1) select one of said accounts in accordance with a control

cycle and restrict access to said selected account; and (B) process each of said records identified as relating to said selected account prior to processing any of said records relating to any other of said plurality of accounts; and (C2) remove said restricted access to said selected account after records identified as related to said selected account have been processed.³

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 19, as the cited prior art fails to teach, or suggest, each of the limitations thereof for at least the reasons set forth above. Applicant also requests reconsideration and removal of the rejections of Claims 20-23 and 24-40 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 19.

4. Claims 41-57 Are Not Obvious In Light Of The Cited Prior Art

The cited art similarly fails to teach, or suggest, each of the limitations of Claim 41 for at least the following reasons. Claim 41 analogously recites, in part, (A) identifying accounts found in the account tables which relate to same ones of said plurality of accounts; (C1) selecting one of said accounts in accordance with a control cycle and restricting access to said selected account, (B) processing each of said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts; and (C2) removing said restricted access to said selected account after all of said records identified as related to said selected account are processed.⁴

³ The included (A), (B), (C1) and (C2) references correspond to the arguments presented in subsections (A), (B) and (C) in the preceding section 2 of this paper.

⁴ The included (A), (B), (C1) and (C2) references correspond to the arguments presented in subsections (A), (B) and (C) in the preceding section 2 of this paper.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 41, as the cited prior art fails to teach, or suggest, each of the limitations thereof for at least the reasons set forth above. Applicant also requests reconsideration and removal of the rejections of Claims 42-57 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 41.

5. New Claim 59 Is Not Obvious In Light Of The Cited Prior Art

Newly added independent Claim 59 is directed to the subject matter of previously cancelled Claim 58. Claim 59 recites, in part: identifying which of said plurality of records relate to same ones of said plurality of accounts by creating a work queue which includes index-like entries which identify each of the plurality of records; selecting one of said accounts in accordance with a control cycle and restricting access to said selected account, processing each of said records identified as relating to said selected one of said accounts prior to processing any of said records relating to any other of said plurality of accounts; and removing said restricted access to said selected account after all of said records identified as related to said selected account are processed.

Accordingly, Applicant respectfully requests allowance of new Claim 59, as the cited prior art fails to teach, or suggest, each of the limitations thereof for at least the reasons set forth above and the reasons for allowance asserted by the PTO in the May 19, 2005 Office action.

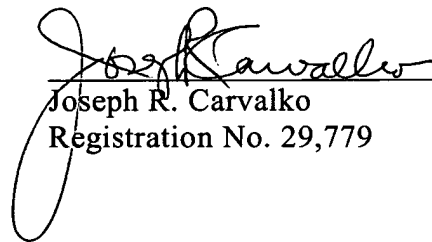
CONCLUSION

Applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Dated: February 10, 2006



Joseph R. Carvalko
Registration No. 29,779

Plevy, Howard & Darcy, P.C.
PO Box 226
Fort Washington, PA 19034
Tel: (215) 542-5824
Fax: (215) 542-5825